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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,878	03/26/2001	L. Lloyd Williams	SWA01 P-104	7630

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EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,878

Applicant(s)

WILLIAMS ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Status of Claims

1. Claims 1-27 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: using a telephone number to determine location (Specification, paragraph 33). Claim 6 recites authenticating a party based on party location, for example whether a party is located in a predetermined domain. The Specification teaches that address and identity information are typically unrelated to geographical location and that there is no mechanism by which the content provider can independently verify a geographical location (Specification, paragraph 7) and that to overcome this deficiency the Specification teaches using a phone number to determine location.

4. Claims 13, 14, 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites "forwarding the encrypted content to the content delivery device", however the Specification, paragraph 43 discloses a user device forwarding a parameter, such as an MAC address, to a content provider, that generates a key based on this parameter and forwards content to the user device encrypted with said key. Claims 26 and 27 are also rejected as they contain similar deficiencies.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 9, 10, and 12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kay, U.S. Patent No. 6,223,166.

As per claims 1-4, 9, 10, and 12, Kay teaches a secured ticket issuing system comprising:

- receiving a request message, for content (e.g. ticket or event for which a ticket is required to gain entrance), sent by a party through the communications network, the request message including information (e.g. computer address, credit card number, social security number, user name or ID) identifying the party (column/line 3/65-4/6; column 4, lines 29-33; column/line 4/64-5/5)
- formulating a transaction indicia uniquely associated with the request message (column/line 3/65-4/40)
- conveying the transaction indicia to the party through one of a parallel network and the communications network using the information identifying the party (column 4, lines 29-33)
- receiving a validation message containing the transaction indicia returned by the party through the other of the communications network and the parallel network (comprising a switched telephone, frame relay or ATM network) (figures 1 and 3; column 4, lines 42-62)

Kay also teaches indicia that is used for validating only one request for content (e.g. event for which ticket is required) and wherein the transaction indicia has a limited time to live and the content is not delivered unless the

validation message is received before the time to live has expired (column/line 4/64-5/16). Where “to deliver” is defined as to “to come through with” or “to produce promised results” (Webster’s Ninth New Collegiate Dictionary).

As per claim 12, claim 9 provides the connecting over a communications network or parallel network. Therefore, if a connection is made over the communications network, claim 12 doesn’t happen.

Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

This list of examples is not intended to be exhaustive (MPEP, Chapter 2106, section II, C).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-8 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay, U.S. Patent No., 6,223,166 in view of Ogram, U.S. Patent No. 5,991,738.

As per claims 5-8 and 15-25, Kay teaches a secured ticket issuing system that allows customers to purchase tickets over a network (figure 1). Kay teaches user credit card data (column/line 3/65-4/5), however, Kay doesn't specifically teach authenticating a customer's use of said card. Ogram teaches (column 5, lines 15-42) authenticating a right of the party to receive (e.g. to admit, permit to enter- Webster's Ninth New Collegiate Dictionary) the content by authenticating a customer's use of a credit card using information stored in a database that relates to a party (e.g. account number). As per claims 6 and 7, according to the Specification, a party being "located within a predetermined domain" is equivalent to party being a member or element of a "set" (Specification, paragraph 12). To one of ordinary skill, this is a valid interpretation as a party cannot be located within an internet domain, company employee or customer. As Ogram teaches authentication based on whether or not a user is located in a predetermined domain such as the domain of customers eligible to use a particular credit card (column 5, lines 15-42), it would have been obvious to authenticate a user based

on other identifiers such as network location, social security number, or name ('166, column 4, lines 1-5 and 29-33). Regarding network location, although Kay does not specifically recite asking for a computer's network address or a user's e-mail address it is, however, inherent that the user at one point in time provided this data to the issuing system and thus can be used to identify or authenticate a user. As per claims 20-25, claim 15 provides the conveying the transaction indicia over a communications network or parallel network. Therefore, if the indicia is conveyed over the communications network, claim 20 doesn't happen. Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Kay and Ogram in order to prevent against fraud.

9. Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay, U.S. Patent No., 6,223,166.

As per claim 11, Kay teaches sending electronic tickets to a user's computer (figure 1). Kay does not specifically recite asking for a computer's network address or a user's e-mail address, however, it is inherent that the user at one point in time provided this data to the issuing system. The Examiner takes Official Notice that the use of databases to store user or customer information in order to avoid having to ask the user for the same information "over and over again" is well-known.

10. Claims 13, 14, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay, U.S. Patent No., 6,223,166 in view of Billings, U.S. Patent No. 5,737,422 and Cane et al., U.S. Patent No. 5,416,840.

As per claims 13, 14, 26 and 27, Kay teaches disseminating cryptographically encoded content to users. However, Kay does not teach generating a key based on information that uniquely identifies a user computer. Billings teaches a method for securely distributing content to a user by requiring the user to transmit an id to a remote computer, encrypting data using a key based on said id and transmitting the encrypted data to a user (column 6, lines 58-67; column 7, lines 35-60). While Cane teaches a remote computer generating an encryption key based on an id, such as a hardware identifier transmitted to a remote computer from a user (abstract; column 2, lines 32-65; column 6, lines 3-45). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Kay, Billings and Cane et al. in order to prevent malicious users from making use of intercepted tickets as they are transmitted to a user of a computer network.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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- Oren et al. teach digital tickets for obtaining digitally distributed content
- Hirotani teaches electronic ticketing
- Bateman et al. teach integrated ADSI, IVR, WWW servers for performing customer contact

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

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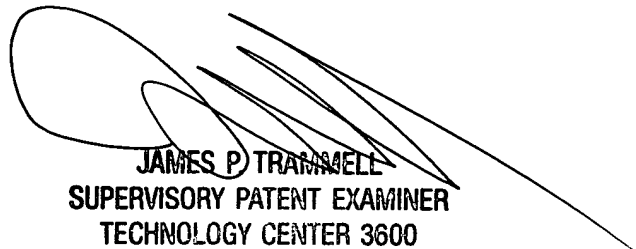
(703) 746-5532 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
308-1113.

Calvin Loyd Hewitt II

May 24, 2004



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
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